

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

TICEY HAYES,
Plaintiff,

v.

ANTONIO SANTIAGO, *et al.*,
Defendants.

No. 3:18-cv-01758 (JAM)

**ORDER GRANTING PRELIMINARY INJUNCTION
FOR RELEASE FROM SOLITARY CONFINEMENT**

On October 26, 2018, plaintiff filed a complaint alleging that he has been subject as a pre-trial detainee to solitary confinement in violation of his constitutional rights. Doc. #1. According to plaintiff, he suffers inhumane conditions in solitary confinement, including that he must spend 23 hours per weekday in a small cell and the entire day on weekends. Plaintiff alleges that he was placed in solitary confinement without due process and in retaliation for his First Amendment exercise of free speech on social media before his recent arrest.

On October 29, 2018, the Court entered an initial review order allowing most of plaintiff's claims to proceed. *See Hayes v. Santiago*, 2018 WL 5456494 (D. Conn. 2018). The Court also entered an order to show cause why the Court should not enter a preliminary injunction in view of plaintiff's request for injunctive relief. Doc. #9. The Court's order required defendants to file a response by November 12, 2018. A copy of the Court's initial review order and order to show cause was transmitted by electronic mail on October 30, 2018, to counsel for the Attorney General of Connecticut, and four of the defendants including Warden William Mulligan have been served. Docs. #10–13. It has been more than two weeks since the defendants

were required to file a response to the Court's order to show cause, but no response has been filed.

On the basis of plaintiff's uncontested allegations in the complaint and in the absence of any response by defendants, the Court concludes that plaintiff has established a substantial likelihood of success on the merits, irreparable harm, and that the public interest favors his release to general population rather than to remain in solitary confinement without due process and in violation of his First Amendment rights. *See N. Am. Soccer League, LLC v. United States Soccer Fed'n, Inc.*, 883 F.3d 32, 37 (2d Cir. 2018).

Accordingly, the Court GRANTS plaintiff's motion for preliminary injunction. Warden William Mulligan of the MacDougall-Walker Correctional Institution shall release plaintiff from solitary confinement no later than **12:00PM on Wednesday, December 5, 2018**, and plaintiff shall thereafter be housed in general population absent a new hearing that fully complies with his constitutional rights. Warden Mulligan shall file a certification of compliance with the Court's order by **4:00PM on Wednesday, December 5, 2018**. Warden Mulligan shall also ensure that a copy of this order is furnished to plaintiff by **12:00PM on Monday, December 3, 2018**.

If defendants believe there are grounds to contest, stay, or modify the Court's entry of this preliminary injunction, they may file a motion for reconsideration by **12:00PM on Tuesday, December 4, 2018**, which the Court shall promptly consider and determine.

It is so ordered.

Dated at New Haven this 30th day of November, 2018.

/s/ Jeffrey Alker Meyer
Jeffrey Alker Meyer
United States District Judge